

REMARKS

Claims 1, 2 and 4 – 9 are pending in the application. Claims 1 – 9 have been rejected. Claims 1, 2, and 4 – 9 have been amended. Claims 30 – 39 have been added.

Claims 1, 2 and 4 – 9 stand rejected under 35 U.S.C. § 101 as it is maintained that the claims do not produce a useful, concrete, tangible result. The claims as presently amended are directed to a machine, i.e., a data structure in combination with a computer readable media. Accordingly, it is believed that the claims are directed to statutory subject matter.

Claims 1, 2 and 4 – 9 stand rejected under 35 U.S.C. § 112, second paragraph. The claims have been amended so that the preamble is consistent with the body of the claim. Accordingly, it is believed that the claims are now definite.

Applicant intends to be her own lexicographer and to define system type element as an element which tells a user whether a product is bundled or custom. A product which is bundled is defined as a commodity item and a product which is custom is defined as a non-commodity item. See page 11, lines 4 – 6. Applicant is mindful of the Examiner's comment that the language cited in the specification is exemplary and that it fails to establish lexicography with reasonable clarity, deliberateness, and precision. (Final Office action dated October 25, 2004, page 9.) The cited language sets forth:

The System Type element tells a user whether a product is bundled, i.e., is a commodity item, or customer, i.e., is a non-commodity item. (Specification, page 11, lines 4 – 6.)

It is Applicant's position that "i.e." as used in the specification is the abbreviation for *id est* and means "that is" or "in other words" and thus presents an equivalency such that the term "whether a product is bundled" is equivalent to and is defined as "whether the product is a commodity item" and the term whether a product is custom" is equivalent to and is defined as whether a product is a non-commodity item. Applicant has amended the claims to include the term "the system type element"

Claims 2 and 4 – 9 stand rejected under 35 U.S.C. §§ 102 and 103 over Spallone et al., U.S. Patent No. 4,959,686 (Spallone). This rejection is respectfully traversed.

The present invention, as set forth by amended independent claim 1, relates to a data structure in combination with a computer readable media for providing a catalog from a manufacturer to a customer. The data structure is encoded to enable a customer to perform an automated order entry process. The data structure includes a catalog header record portion storing catalog header record data, a system identification portion storing system identification data and a system option record portion storing system option record data. The catalog header portion is stored on the computer readable media. The system identification portion is stored on the computer readable media. The system identification data includes a system type element. The system type element indicates whether a system is one of a bundled system and a custom system and allows the customer to determine whether the system is a bundled system or a custom system during the automated order entry process. The system option record portion is stored on the computer readable media.

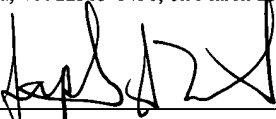
Spallone discloses an automated shopping order entry system. The order entry system includes a customer subsystem that allows a customer to select particular items and obtain an estimated waiting time based on an accumulated variable workload that depends on items ordered by the customer.

Spallone does not disclose or suggest, taken alone or in combination, a data structure in combination with a computer readable media for providing a catalog from a manufacturer to a customer where the data structure includes a system identification portion storing system identification data, the system identification data including a system type element which indicates whether a system is one of a bundled system and a custom system as specifically defined in this and previous Responses. Accordingly, claim 1 is allowable over Spallone. Claims 2 – 9 depend from claim 1 and are allowable for at least this reason.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on March 25, 2005.

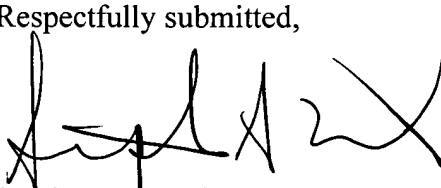


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3/25/05

Date of Signature

Respectfully submitted,


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